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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,633	11/17/2005	Leo Gustaaf Joanna Emiel Marien	NL030641	4032

24737 7590 09/17/2007
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

HANLEY, BRITT D

ART UNIT	PAPER NUMBER
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2879

MAIL DATE	DELIVERY MODE
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09/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.		Applicant(s)	
	10/557,633		MARIEN ET AL.	
	Examiner		Art Unit	
	Britt Hanley		2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/17/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/37/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

[01] Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

[02] The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

[03] The use of the trademark Vacovit™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

[04] Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

[05] The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

[06] As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

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- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

[07] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[08] Claims 1, 5, & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 6,054,810).

[09] Regarding claim 1, Yamamoto et al. disclose a high-pressure discharge lamp (fig. 1) comprising: an outer envelope (1, fig. 1) in which a discharge vessel (4, fig. 1) is arranged around a longitudinal axis (not labeled, but fig. 1 shows discharge vessel symmetric about a longitudinal axis), the discharge vessel (4, fig. 1) enclosing, in a gastight manner, a discharge space (shown but not labeled in fig. 1) provided with an ionizable filling (column 5, lines 5-12), the discharge vessel (4, fig. 1) having a first (4e, fig. 1) and a second (4d, fig. 1) mutually opposed neck-shaped portion through which a first (6b, fig. 1) and a second (6a,

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fig. 1) current-supply conductor, respectively, extend to a pair of electrodes (8b & 8a, fig. 1) arranged in the discharge space (shown but not labeled in fig. 1), a lamp base (2, fig. 1; column 4, line 35) of electrically insulating material supporting the discharge vessel (4, fig. 1) via the first and second current-supply conductors (6b & 6a, fig. 1; column 4, lines 32-40), the lamp base (2, fig. 1) being provided with a first (3b, fig. 1) and a second (3a, fig. 1) contact member connected to the respective first and second current-supply conductor (6b & 6a, fig. 1), the lamp base (2, fig. 1), and or the first and/or the second contact member (3b & 3a, fig. 1) functioning as an end-of-life device (the invention of the prior art discloses the limitations of the instant claim and therefor will function as an end-of-life device).

[10] Regarding claim 5, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1, characterized in that the lamp base (2, fig. 1) supports the outer envelope (1, fig. 1), the outer envelope encloses the first and second current-supply conductors (3b & 3a, fig. 1), and the outer envelope is connected to the lamp base in a gas-tight manner (column 4, lines 32-47).

[11] Regarding claim 6, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 5, characterized in that the first and the second contact member (3b & 3a, fig. 1) issue from the outer envelope (1, fig. 1; fig. 1 shows stem wires 3b & 3a extending into the screw cap 5).

Claim Rejections - 35 USC § 103

[12] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

[13] The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

[14] Claims 2-4 & 7-8 are rejected under 35 USC 103 (a) as being obvious over Yamamoto et al. (US 6,054,810) in view of Bruggemann et al. (US 6,204,598 B1).

[15] Regarding claim 2, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1 containing a lamp base (2, fig. 1). Yamamoto et al. do not appear to explicitly disclose that the lamp base is made from a soft glass, hard glass, or ceramic material.

[16] However, in the same field of lamps, Bruggemann et al. teach a lamp base (1, fig. 2) made from a soft glass, hard glass, or ceramic material (column 2, lines 0-19 & column 4, lines 13-33).

[17] At the time of the invention, it would have been obvious to one of ordinary skill in the art, to modify the lamp of Yamamoto et al. to include the lamp base of Bruggemann et al. because soft glass is highly suitable for use in combination with the current conductors and with a metal tube (column 4, lines 21-24). Also, Bruggemann et al. teach that a hard glass or quartz is suitable for the lamp base, especially if the gas filling contains a halogen or a halogen compound (column 4, lines 30-33).

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[18] Regarding claim 3, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1 containing a first and second contact member (3b & 3a, fig. 1). Yamamoto et al. do not appear to explicitly disclose that that the first and the second contact member are made from an oxidized nickel-iron-chromium material.

[19] However, in the same field of lamps, Bruggemann et al. teach a first and second contact member (22, fig. 2) made from an oxidized nickel-iron-chromium material (column 5, lines 45-53).

[20] At the time of the invention, it would have been obvious to one of ordinary skill in the art, to modify the lamp of Yamamoto et al. to include the first and second contact member of Bruggemann et al. because members made from a nickel-iron-chromium material can be present right from the start in the lamp base so as to enable high dimensional accuracy (column 1, lines 59-62) and members made from nickel-iron-chromium material are suitable for use with soft glass (column 4, lines 2-24).

[21] Regarding claim 4, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1 containing a first and second contact member (3b & 3a, fig. 1). Yamamoto et al. do not appear to explicitly disclose that that the first and the second contact member are made from an nickel-iron-chromium alloy.

[22] However, in the same field of lamps, Bruggemann et al. teach a first and second contact member (22, fig. 2) made from an oxidized nickel-iron-chromium alloy (column 5, lines 45-53).

[23] At the time of the invention, it would have been obvious to one of ordinary skill in the art, to modify the lamp of Yamamoto et al. to include the first and second contact member of Bruggemann et al. because members made from a nickel-iron-chromium alloy can be

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present right from the start in the lamp base so as to enable high dimensional accuracy (column 1, lines 59-62) and members made from nickel-iron-chromium alloy are suitable for use with soft glass (column 4, lines 2-24).

[24] Regarding claim 7, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1. Yamamoto et al. do not appear to explicitly disclose an exhaust tube provided in the lamp base or in the outer envelope.

[25] However, in the same field of lamps, Bruggemann et al. teach an exhaust tube (3, fig. 2) provided on the lamp base (1, fig. 2) and extending into the outer envelope (5, fig. 2).

[26] At the time of the invention, it would have been obvious to one of ordinary skill in the art, to modify the lamp of Yamamoto et al. to include the exhaust tube of Bruggemann et al. in order to add filling gas or halides.

[27] Regarding claim 8, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1. Yamamoto et al. do not appear to explicitly disclose the exhaust tube in the lamp base is made from a metal or from a NiFeCr alloy.

[28] However, in the same field of lamps, Bruggemann et al. teach an exhaust tube (3, fig. 2) made from a nickel-iron alloy such as nickel-iron-chromium (column 4, lines 21-24; column 5, lines 45-53).

[29] At the time of the invention, it would have been obvious to one of ordinary skill in the art, to modify the lamp of Yamamoto et al. to include the exhaust tube of Bruggemann et al. in order to add filling gas or halides and because an exhaust tube made of a nickel-iron alloy is highly suitable with the soft glass lamp base (column 4, lines 21-24).

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[30] Claim 9 is rejected under 35 USC 103 (a) as being obvious over Yamamoto et al. (US 6,054,810) in view of Honda et al. (US 2003/0076041 A1).

[31] Regarding claim 9, Yamamoto et al. disclose a high-pressure discharge lamp as claimed in claim 1. Yamamoto et al. do not appear to explicitly disclose the ratio of the distance between the electrodes to the height of the high-pressure discharge lamp along the longitudinal axis lies in a range of 0.02 to 0.2.

[32] However, in the same field of lamps, Honda et al. teach a discharge vessel with an overall length of 23.1mm ([0168]) and an inter-electrode gap of 3.5mm ([0176]). Honda et al. do not disclose the overall length of the bulb, however, Honda et al. do teach a compact high-pressure discharge lamp ([0045]). The combination of Yamamoto et al. and Honda et al. teach the claimed invention except for the specific limitation of the ratio of the distance between the electrodes to the height of the high-pressure discharge lamp along the longitudinal axis lies in a range of: 0.02 to 0.2. However, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ratio of the distance between the electrodes to the height of the high-pressure discharge lamp along the longitudinal axis lies in a range of: 0.02 to 0.2, since optimization of workable ranges is considered within the skill of the art.

Conclusion

[33] The prior art, found below, made of record and not relied upon is considered pertinent to applicant's disclosure.

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[34] Born et al. (US 6,137,230 A) discloses a metal halide lamp provided with a discharge vessel with a ceramic wall which encloses a discharge space in which besides a rare gas also an ionizable filling comprising at least NaI is present, two electrodes having tips with a mutual distance EA being arranged in said discharge space which discharge vessel has an internal diameter Di over at least the electrode distance EA.

[35] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Britt Hanley whose telephone number is (571) 270-3042. The examiner can normally be reached on Monday - Thursday, 6:30a-5:00p ET.

[36] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571)272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

[37] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner Britt D. Hanley

Britt D. Hanley

Rgnharay
9/13/07